

#22

Docket No. 55293-A/JPW/AJM/MVM

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Carlos Cordon-Cardo et al.

Serial No.: 09/329,917

Examiner: J. Souaya

Filed : June 10, 1999

Group Art Unit: 1634

For : MARKERS FOR PROSTATE CANCER

Date of Notice

of Allowance: July 23, 2002

Confirmation No.: 8767

Issue Fee Paid: October 23, 2002

1185 Avenue of the Americas  
New York, New York 10036  
February 28, 2003

Assistant Commissioner for Patents  
Washington, D.C. 20231

Attention: Office of Petitions

Sir:

**PETITION FOR WITHDRAWAL FROM ISSUE  
UNDER 37 C.F.R. §1.313(c)(2)**

**RECEIVED**  
**FEB 28 2003**  
**OFFICE OF PETITIONS**

Applicants hereby petition that U.S. Serial No. 09/329,917 in which the issue fee was paid on October 23, 2002, be withdrawn from issue under 37 C.F.R. §1.313(c)(2) in consideration of a Request for Continued Examination ("RCE") in compliance with 37 C.F.R. §1.114 which applicants enclose herewith so that references not previously of record which are set forth in a Supplemental Information Disclosure Statement, also enclosed herewith, may be considered by the Patent Office.

The required petition fee set forth in 37 C.F.R. §1.17(h) is ONE HUNDRED THIRTY DOLLARS (\$130.00) and a check including this amount is enclosed.

Applicants are petitioning that the subject application be withdrawn from issue so that references submitted in the

3/10/2003 EXHIBIT 00000007 09329917

CL 02-2001  
CE 02-2001

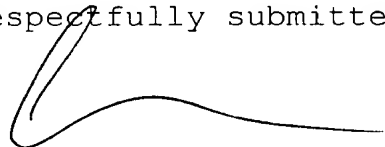
375.00 JP  
130.00 CP

Applicants: Carlos Cordon-Cardo et al.  
Serial No.: 09/329,917  
Filed : June 10, 1999  
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enclosed Supplemental Information Disclosure Statement for consideration may be considered by the Patent Office. Applicants do not believe that the references affect the patentability of the subject matter claimed in the subject application. However, in accordance with their duty of disclosure under 37 C.F.R. §1.56, applicants are requesting that the references be considered by the Patent Office.

No fee, other than the enclosed \$130.00 petition fee, is deemed necessary in connection with the filing of this Petition. However, if an additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



---

John P. White  
Registration No. 28,678  
Alan J. Morrison  
Registration No. 37,399  
Attorneys for Applicants  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, New York 10036  
(212) 278-0400

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Carlos Cordon-Cardo et al.  
Serial No.: 09/329,917 Examiner: J. Souaya  
Filed : June 10, 1999 Group Art Unit: 1634  
For : MARKERS FOR PROSTATE CANCER

Date of Notice  
of Allowance: July 23, 2002 Confirmation No.: 8767

Issue Fee Paid: October 23, 2002

1185 Avenue of the Americas  
New York, New York 10036  
February 28, 2003

Assistant Commissioner for Patents  
Washington, D.C. 20231

Attention: Office of Petitions

Sir:

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FEB 28 2003

**OFFICE OF PETITIONS**

**COMMUNICATION FORWARDING COPY OF JANUARY 28, 2003 PETITION  
TO WITHDRAW HOLDING OF ABANDONMENT AND CONTINGENT PETITION  
FOR WITHDRAWAL FROM ISSUE UNDER 37 C.F.R. §1.313(c) (2)**

On January 28, 2003, applicants submitted a Petition To Withdraw Holding Of Abandonment, by First Class Mail, to the United States Patent and Trademark Office in connection with the above-identified application. Further to a February 28, 2003 telephone conference between Ms. Christina Connell of the Office of Petitions at the United States Patent and Trademark Office and Maria Marucci, Esq. of the undersigned attorney's office, Ms. Connell stated that according to her records, the January 28, 2003 Petition was not received by the United States Patent and Trademark Office. Accordingly, Ms. Connell requested that applicants submit, to the attention of Frances Hicks in the Office of Petitions, a copy of the January 28, 2003 Petition.

In response, applicants attach hereto as **Exhibit I** a copy of the

Applicants: Carlos Cordon-Cardo et al.  
Serial No.: 09/329,917  
Filed : June 10, 1999  
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Petition To Withdraw Holding Of Abandonment which applicants timely submitted to the United States Patent and Trademark Office on January 28, 2003, as indicated by a signed Certificate of First Class Mailing. The Petition includes **Exhibit A** (a copy of the December 9, 2002 Notice of Abandonment), **Exhibit B** (a copy of the July 23, 2002 Notice of Allowance), **Exhibit C** (a copy of a Communication Forwarding Formal Drawings submitted to the United States Patent and Trademark Office on September 7, 2001, including a certificate of mailing and twelve sheets of new, corrected formal drawings as Exhibit A) and **Exhibit D** (a copy of a postcard bearing the stamp of the U.S. Patent and Trademark Office confirming receipt thereof).

As additional evidence of applicants' timely submission of the Petition on January 28, 2003, applicants attach hereto as **Exhibit II** a copy of the return postcard date-stamped received by the Office of Initial Patent Examination ("OIPE") of the United States Patent and Trademark Office with the date of February 3, 2003.

Applicants also attach hereto as **Exhibit III** a Petition For Withdrawal From Issue Under 37 C.F.R. §1.313(c)(2) in which applicants request that the subject application be withdrawn from issue under 37 C.F.R. §1.313(c)(2) in consideration of a Request for Continued Examination ("RCE") in compliance with 37 C.F.R. §1.114 (Exhibit I) which applicants enclose herewith so that references not previously of record which are set forth in a Supplemental Information Disclosure Statement, also enclosed herewith, may be considered by the Patent Office.

Applicants: Carlos Cordon-Cardo et al.  
Serial No.: 09/329,917  
Filed : June 10, 1999  
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In view of the above facts, applicants respectfully request that (a) the January 28, 2003 Petition be considered, (b) the holding of abandonment be withdrawn, (c) the February 28, 2003 Petition be considered and the subject application be withdrawn from issuance, (d) the RCE be accepted and (e) the Supplemental Information Disclosure Statement be considered by the United States Patent and Trademark Office.

No fee, other than the enclosed \$505.00 fee, which includes the \$130.00 petition fee and the \$375.00 RCE filing fee, is deemed necessary in connection with the filing of this Communication. However, if an additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,



---

John P. White  
Registration No. 28,678  
Alan J. Morrison  
Registration No. 37,399  
Attorneys for Applicants  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, New York 10036  
(212) 278-0400

# 20

Application No. 09/329,917  
Filing Date June 10, 1999  
Inventor(s) Carlos Cordon-Cardo  
et al.  
Group Art Unit 1634  
Examiner Name J. Souaya  
Attorney Docket No. 1747/55293-  
A/JPW/AJM/MVM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

February 28, 2003

COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Sir:

This is a Request for Continued Examination under 37 C.F.R. § 1.114 of the above-identified application.

1. ☐ Consider the unentered amendment/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_.
2. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_.
3. ☒ Enclosed is/are  
☐ Amendment/Reply.  
☐ Affidavit(s)/Declaration(s).  
☒ Information Disclosure Statement (IDS).  
☒ PTO-1449  
☒ Copy of IDS Citation  
☐ Other: \_\_\_\_\_
4. ☒ Small entity status under 37 C.F.R. § 1.27 is claimed.  
☐ A verified statement to establish small entity status is enclosed.  
☒ A verified statement to establish small entity status was previously filed and such status is still proper and desired.
5. ☒ A check in the amount of \$ 375.00 is enclosed.

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6.   X   The Commissioner is hereby authorized to charge the following fees, or credit any overpayment, to Deposit Account No. 03-3125.

  X   RCE fee required under 37 C.F.R. § 1.17(e).

  X   Extension of time fee (37 C.F.R. §§ 1.136 and 1.17).

       Other fees \_\_\_\_\_.

7.   X   Three copies of this sheet are enclosed.

Respectfully submitted,



\_\_\_\_\_  
John P. White  
Registration No. 28,678  
Alan J. Morrison  
Registration No. 37,399  
Attorneys for Applicants  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, New York 10036  
(212) 278-0400

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Carlos Cordon-Cardo et al.  
Serial No. : 09/329,917 Examiner: J. Souaya  
Filed : June 10, 1999 Group Art Unit: 1634  
For : MARKERS FOR PROSTATE CANCER

Date of Notice  
of Allowance: July 23, 2002 Confirmation No.: 8767

Issue Fee Paid: October 23, 2002

1185 Avenue of the Americas  
New York, New York 10036  
February 28, 2003

Assistant Commissioner for Patents  
Washington, D.C. 20231

Attention: Office of Petitions

SIR:

**EXPRESS MAIL CERTIFICATE OF MAILING  
FOR ABOVE-IDENTIFIED APPLICATION**

**RECEIVED**  
FEB 28 2003

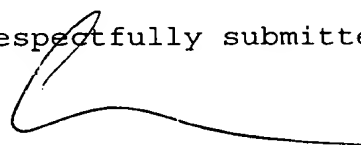
**OFFICE OF PETITIONS**

"Express Mail" mailing label number: ET 735 983 745 US  
Date of Deposit: February 28, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to the USPTO, Office of Petitions, Crystal Plaza 4-3C23, 2201 S. Clark Place, Arlington, VA 22202, Attention: Frances Hicks.

Maria Viola Marucci  
Printed Name MARIA VIOLA MARUCCI

Respectfully submitted,

  
John P. White  
Registration No. 28,678  
Alan J. Morrison  
Registration No. 37,399  
Attorneys for Applicant  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, New York 10036  
(212) 278-0400



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Carlos Cordon-Cardo et al.

Serial No.: 09/329,917

Examiner: J. Souaya

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1185 Avenue of the Americas  
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Assistant Commissioner for Patents  
Washington, D.C. 20231

**RECEIVED**

**FEB 28 2003**

Sir:

**OFFICE OF PETITIONS**

**COMMUNICATION AND  
SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Applicants paid the issue fee for U.S. Serial No. 09/329,917 on October 23, 2002. In a petition being filed herewith, applicants petition that U.S. Serial No. 09/329,917 be withdrawn from issue under 37 C.F.R. §1.313(c)(2) in consideration of a Request for Continued Examination ("RCE") in compliance with 37 C.F.R. §1.114 filed herewith so that references not previously of record which are submitted with the accompanying Supplemental Information Disclosure Statement may be considered by the Patent Office.

**Supplemental Information Disclosure Statement**

Applicants are filing this Supplemental Information Disclosure Statement to supplement the Information Disclosure Statement filed on May 23, 2000, and the Supplemental Information Disclosure Statements filed on December 19, 2000 and October 10, 2002 in connection with the subject application.

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Filed: June 10, 1999  
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In accordance with their duty of disclosure under 37 C.F.R. §1.56 and pursuant to 37 C.F.R. §1.97(b)(4), applicants direct the Examiner's attention to the references which are listed on the attached Form PTO-1449 (**Exhibit A**):

1. PCT International Application No. PCT/US98/14566, filed July 14, 1998, International Publication No. WO99/04238, published January 28, 1999;
2. PCT International Application No. PCT/US98/01922, filed January 29, 1998, International Publication No. WO98/33450, published August 6, 1998;
3. PCT International Application No. PCT/US94/03528, filed March 30, 1994, International Publication No. WO94/22478 A, published October 13, 1994 (**Exhibit 1**);
4. PCT International Application No. PCT/US98/26266, filed December 10, 1998, International Publication No. WO99/31140 A, published June 24, 1999 (**Exhibit 2**);
5. Aaltomaa, S. et al. (1999) "Prognostic Value and Expression of p21 (waf1/cip1) Protein in Prostate Cancer" *The Prostate*, 39(1):8-15 (**Exhibit 3**);
6. Agus, D.B. et al. (1999) "Response of Prostate Cancer to Anti-HER-2/neu Antibody in Androgen Dependent and - Independent Human Xenograft Models" *Cancer Research*, 59(1):4761-4764;
7. Arai, Y. et al. (1997) "C-erbB-2 Oncoprotein: A Potential

Biomarker of Advanced Prostate Cancer" *Prostate*, 30(3):195-201 (**Exhibit 4**);

8. Baretton, G.B. et al. (1999) "Proliferation- and Apoptosis-Associated Factors in Advanced Prostatic Carcinomas Before and After Androgen Deprivation Therapy: Prognostic Significance of p21/WAF1/CIP1 Expression" *British Journal of Cancer*, 80(3-4):546-555 (**Exhibit 5**);
9. Baselga, J. et al., (1998) "Recombinant Humanized Anti-HER2 Antibody (Herceptin TM) Enhances the Antitumor Activity of Paclitaxel and Doxorubicin Against HER2/neu Overexpressing Human Breast Cancer Xenografts" 58(13):2825-2831 (**Exhibit 6**);
10. Cariou S. et al. (1998) "Prognostic Implication of Expression of the Cell Cycle Inhibitor Protein P27", *Breast Cancer Research and Treatment*, 1-3(52):29-41 (**Exhibit 7**);
11. Cordon-Cardo Carlos, et al. (1998) "Distinct Altered Patterns of p27<sup>KIP1</sup> Gene Expression in Benign Prostatic Hyperplasia and Prostatic Carcinoma" *J. Natl. Cancer Inst.* 90(17): 1284-1291;
12. Cote, R.J. et al. (1998) "Association of p27<sup>KIP1</sup> Levels With Recurrence and Survival in Patients With Stage C Prostate Carcinoma" *J. Natl. Cancer Inst.* 90(12): 916-920;
13. Chen, Y. et al. (1998) "Increased Cell Growth and Tumorigenicity in Human Prostate LNCaP Cells by Overexpression to Cyclin D1" *Oncogene*, 16(15):1913-1920

(Exhibit 8);

14. Craft, N. et al., (1999) "A Mechanism for Hormone-Independent Prostate Cancer Through Modulation of Androgen Receptor Signaling by the HER-2/neu tyrosine Kinase" *Nature Medicine*, 5(3):280-285 (Exhibit 9);
15. Curnow, R.T. et al., (1997) "Clinical Experience With CD64-Directed Immunotherapy. An Overview" *Cancer Immunology And Immunotherapy*, 45(3-4):210-15 (Exhibit 10);
16. Database Biosis [Online] Biosciences Information Service, Philadelphia, PA, US (1999-03) Lee Tae Yoon et al., "Immunohistochemical Expression of p53 and MDM-2 Protein in Various Epithelial Carcinomas" Database Accession No. PREV1999900406745 (Exhibit 11);
17. DeMarzo, A.M. et al. (1998) "Prostate Stem Cell Compartments: Expression of the Cell Cycle Inhibitor p27kip1 in Normal, Hyperplastic, and Neoplastic Cells" *Amer. J. Path.* 153(3): 911-919;
18. Fernandez, P.L. et al. (1999) "Expression of p27/kip1 Is Down-regulated in Human Prostate Carcinoma Progression" *J. Path.* 187 (5): 563-566;
19. Gumbiner, L. et al. (1999) "Overexpression of Cyclin D1 Is Rare in Human Prostate Carcinoma" *Prostate*, 38(1):40-45 (Exhibit 12);
20. Guo, Y. et al. (1997) "Loss of the Cyclin-dependent Kinase

Inhibitor p27<sup>Kip1</sup> Protein in Human Prostate Cancer Correlates with Tumor Grade<sup>1</sup>" *Clin. Cancer Res.* 3:2269-2274;

21. Han, E. et al., (1998) "Cyclin D1 Expression in Human Prostate Carcinoma Cell Lines and Primary Tumors" *Prostate*, 35(2):95-101 (**Exhibit 13**);
22. James, N. et al., (1998) "Phase II Trial of the Bispecific Antibody MDX-H210 (Anti-Her2/Neu X Anti-CD64) Combined With GM-CSF In Patients With Advanced Prostate and Renal Cell Carcinomas That Express Her2/Neu" *British Journal of Cancer*, 78(Suppl 2):19 (**Exhibit 14**);
23. Koeneman, K.S. et al., (1999) "Osteomimetic Properties of Prostate Cancer Cells: A Hypothesis Supporting the Predilection of Prostate Cancer Metastasis and Growth in the Bone Environment" *Prostate*, 39:246-261 (**Exhibit 15**);
24. Lee, C.T. et al., (1999) "Overexpression of the Cyclin-Dependent Kinase Inhibitor P16 is Associated with Tumor Recurrence in Human Prostate Cancer" *Clinical Cancer Research, The American Association for Cancer Research, US*, 5(5):977-983;
25. Lloyd et al. (1999) "P27<sup>Kip1</sup>: a Multifunctional Cyclin-dependent Kinase Inhibitor with Prognostic Significance in Human Cancers" *American J. Pathology* 154(2): 313-323;
26. McArthur, J.G. et al. (1999) "Cancer Gene Therapy with Novel Chimeric P27/p16 Tumor Suppressor Genes" *Proceed. Amer. Assoc. Cancer Res. Ann.* 40: 630;

27. Osman, I. et al. (1999) "Inactivation of the p53 Pathway in Prostate Cancer: Impact on Tumor Progression" *Clinical Cancer Research: An Official Journal of the American Association for Cancer Research*, 5(8):2082-2088;
28. Ross, J.S. et al., (1993) "Contribution of HER-2/neu Oncogene Expression to Tumor Grade and DNA Content Analysis in the Prediction of Prostatic Carcinoma Metastasis" *Cancer*, 72(10):3020-3028 (**Exhibit 16**);
29. Veltri, R. et al. (1994) "Quantitative nuclear morphometry, Markovian Texture Descriptors, and DNA content Captured on a CAS-200 Image Analysis Systems, Combined With PCNA and HER-2/neu Immunohistochemistry for Prediction of Prostate Cancer Progression" *Journal of Cellular Biochemistry*, 19:249-258 (**Exhibit 17**);
30. Yamasaki, I. et al. (1996) "Overexpression of MDM2 and p53 Protein is Infrequently but Significantly Associated With Progression of Human Prostatic Adenocarcinoma" *Oncology Reports*, 3(5):925-929 (**Exhibit 18**); and
31. Zhau, H. et al. (1992) "Expression of C-erb B-2/neu Proto-Oncogene in Human Prostatic Cancer Tissues and Cell Lines" *Molecular Carcinogenesis*, 5(4): 320-327 (**Exhibit 19**).

A Supplementary Partial European Search Report was issued on November 29, 2002 in connection with European Application No. EP 00938256.5, which is a related foreign counterpart of the subject application. A copy of the Supplementary Partial European Search Report is attached hereto as **Exhibit B**. Above-listed references

Applicants: Carlos Cordon-Cardo et al.  
Serial No.: 09/329,917  
Filed: June 10, 1999  
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1-31 were cited in the Supplementary Partial European Search Report. References 6, 11-12, 20, 24 and 27 were submitted to and considered by the United States Patent and Trademark Office in an Information Disclosure Statement filed on May 23, 2000 in connection with the subject application. Reference 25 was submitted to and considered by the United States Patent and Trademark Office in a Supplemental Information Disclosure Statement filed on December 19, 2000 in connection with the subject application. References 1-2, 17-18 and 26 were submitted to and considered by the United States Patent and Trademark Office in a Supplemental Information Disclosure Statement filed on October 10, 2002 in connection with the subject application. Accordingly, copies of these references are not required to be provided to the United States Patent and Trademark Office, since they were previously submitted to and considered by the United States Patent and Trademark Office. References 3-5, 7-10, 13-16, 19, 21-23 and 28-31 are attached hereto as **Exhibits 1-19**, respectively.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

Applicants: Carlos Cordon-Cardo et al.  
Serial No.: 09/329,917  
Filed: June 10, 1999  
Page 8

No fee, other than the \$375.00 RCE filing fee, included in the enclosed check for \$505.00, is deemed necessary in connection with the filing of this Communication and Supplemental Information Disclosure Statement. However, if an additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,



---

John P. White  
Registration No. 28,678  
Alan J. Morrison  
Registration No. 37,399  
Attorneys for Applicants  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, New York 10036  
(212) 278-0400



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Carlos Cordon-Cardo, et al.  
Serial No. : 09/329,917 Examiner: Jehanne Souaya  
Filed : June 10, 1999 Group Art Unit: 1634  
For : MARKERS FOR PROSTATE CANCER

#23  
**RECEIVED**  
MAR 14 2003

Office of Patent Publication  
Director's Office

1185 Avenue of the Americas  
New York, New York 10036  
January 28, 2003

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

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FEB 28 2003

PETITION UNDER 37 C.F.R. § 1.181  
TO WITHDRAW HOLDING OF ABANDONMENT

OFFICE OF PETITIONS

This is a Petition under 37 C.F.R. § 1.181(a)(1) to withdraw the holding of abandonment in the Notice of Abandonment issued December 9, 2002 in connection with the above-identified application. A copy of the December 9, 2002 Notice of Abandonment is attached as **Exhibit A**. 37 C.F.R. § 1.181(f) provides that any petition under § 1.181 should be filed within two months of the action or notice from which relief is requested. Therefore, a petition under 37 C.F.R. § 1.181 to withdraw the December 9, 2002 Notice of Abandonment is due February 9, 2003. Accordingly, this Petition is being timely filed.

The December 9, 2002 Notice indicates that the subject application is abandoned based on applicants' alleged failure to timely file new formal drawings as required in the July 23, 2002

Carlos Cordon-Cardo, et al.  
Serial No.: 09/329,917  
Filed: June 10, 1999  
Page 2

Notice of Allowance. A copy of the July 23, 2002 Notice of Allowance is attached as **Exhibit B**.

In the July 23, 2002 Notice, the Examiner required applicants to submit new formal drawings including the drawing corrections specified in the July 22, 2002 Notice of Draftsperson's Patent Drawing Review.

In response, on October 23, 2002 and concurrent with the payment of the issue fee, applicants filed a Communication Forwarding Formal Drawings having attached thereto as Exhibit A twelve sheets of new, corrected formal drawings. The October 23, 2002 Communication was timely filed in that it was filed concurrently with payment of the issue fee.

A copy of applicants' October 23, 2002 Communication Forwarding Formal Drawings, including a certificate of mailing, is attached hereto as **Exhibit C**. A copy of a postcard bearing the stamp of the U.S. Patent and Trademark Office confirming receipt thereof is attached hereto as **Exhibit D**.

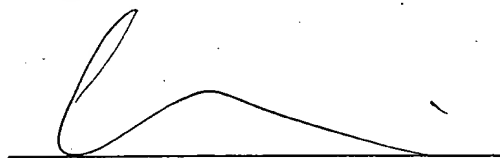
In view of the foregoing, the December 9, 2002 Notice of Abandonment was issued in error and the holding of abandonment set forth therein should be withdrawn.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

Carlos Cordon-Cardo, et al.  
Serial No.: 09/329,917  
Filed: June 10, 1999  
Page 3

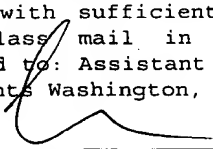
According to M.P.E.P. § 711.03(c)(I), no fee is required in connection with this Petition under 37 C.F.R. § 1.181. Should any fee be required, however, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,



John P. White  
Registration No. 28,678  
Alan J. Morrison  
Registration No. 37,399  
Attorneys for Applicants  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, New York 10036  
(212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents Washington, D.C. 20231.

  
Alan J. Morrison  
Reg. No. 37,399

1/28/03  
Date



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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09/329,917

DEC 16 2002

EXAMINER
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ART UNIT	PAPER NUMBER
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PH19

DATE MAILED:

**NOTICE OF ABANDONMENT**

This application is abandoned in view of:

2 MO RESP DUE. 2.9.03 - AP

- ☐ Applicant's failure to timely file a proper response to the Office letter mailed on \_\_\_\_\_.
- ☐ A response (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_, which is after the expiration of the period for response (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- ☐ A proposed response was received on \_\_\_\_\_, but it does not constitute a proper response to the final rejection.
- (A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC).)
- ☐ No response has been received.
- ☐ Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.
- ☐ The issue fee (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_.
- ☐ The submitted issue fee of \$\_\_\_\_\_ is insufficient. The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_.
- ☐ The issue fee has not been received.
- ☒ Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.
- ☐ Proposed new formal drawings (with a Certificate of Mailing or Transmission of \_\_\_\_\_) were received on \_\_\_\_\_.
- ☐ The proposed new formal drawings filed \_\_\_\_\_ are not acceptable.
- ☒ No proposed new formal drawings have been received.
- ☐ The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on \_\_\_\_\_.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below:

**ABANDONMENT  
CONTACT PERSON IS:  
TOM HAWKINS  
305-8380**



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/329,917	06/10/1999	CARLOS CORDON-CARDO	<del>55293-B/JPW/</del> 55293-A	8767

7590 12/09/2002  
JOHN P WHITE  
COOPER & DUNHAM LLP  
1185 AVENUE OF THE AMERICAS  
NEW YORK, NY 10036

EXAMINER
----------

SOUAYA, JEHANNE E

ART UNIT	PAPER NUMBER
1634	PH19

DATE MAILED: 12/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

## NOTICE OF ALLOWANCE AND FEE(S) DUE

7590

07/23/2002

JOHN P WHITE  
COOPER & DUNHAM LLP  
1185 AVENUE OF THE AMERICAS  
NEW YORK, NY 10036

EXAMINER

SOUAYA, JEHANNE E

ART UNIT

CLASS-SUBCLASS

1634

435-006000

DATE MAILED: 07/23/2002

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/329,917	06/10/1999	CARLOS CORDON-CARDO	55293-B/JPW/	8767

TITLE OF INVENTION: MARKERS FOR PROSTATE CANCER

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1280	\$0	\$1280	10/23/2002

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

## HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above. If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

B. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above:

☐ Applicant claims SMALL ENTITY status.  
See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

55293-A

JPW

**Notice of Allowability**

JUL 26 2002

Application No.

09/329,917 ✓

Examiner

Jehanne Souaya

Applicant(s)

CORDON-CARDO ET AL.

Art Unit

1634

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included with (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

☒ This communication is responsive to 7-9-02.

IF &amp; DRG DUE . 10.23.02

☒ The allowed claim(s) is/are 2 and 3.

☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.

AP

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some\* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

(a) ☐ The translation of the foreign language provisional application has been received.

☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF FORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

☒ CORRECTED DRAWINGS must be submitted.

(a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☒ to Paper No. 15.

(b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.

(c) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. 15.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

☐ Notice of References Cited (PTO-892)

☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)

☐ Information Disclosure Statements (PTO-1449), Paper No. \_\_\_\_\_

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

2 ☐ Notice of Informal Patent Application (PTO-152)

4 ☒ Interview Summary (PTO-413), Paper No. 14

6 ☒ Examiner's Amendment/Comment

8 ☒ Examiner's Statement of Reasons for Allowance

9 ☐ Other

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### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Alan Morrison on July 9, 2002.

2. The application has been amended as follows:

Please cancel claims 6-8.

3. The following changes to the drawings are required by the examiner: Figure descriptions in the "Brief Description of the Drawings" are required for the following: Figure 1H has no description in the brief description of the drawings. Fig 2D has no description in the brief description of the drawings. Figs 9A-9F have no description in the brief description of the drawings. The headings for Figs 1-2, and 4-9 in the "Brief description of the drawings" must be changed as follows. The heading for Fig 1 in the brief description of the drawings should be changed from "Figure 1" to --Figure 1A-1H--. The heading for figure 2 in the brief description of the drawings should be changed from "Figure 2" to --Figure 2A-2D--. The same changes should be made to the heading for Figures 4-9 in the "Brief Description of the Drawings". Fig 6 is missing, a new formal drawing for Fig 6 is required. To avoid abandonment of the application, applicant must make these above agreed upon drawing changes.



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### REASONS FOR ALLOWANCE

4. The following is an examiner's statement of reasons for allowance: The claims are drawn to determining a likelihood that a prostate hyperplasia is a benign prostate hyperplasia by detecting a decrease in p27 RNA expression in a sample of hyperplasia as compared to a normal prostate sample. The claims are also drawn to determining a likelihood that a prostate hyperplasia is a benign prostate hyperplasia by detecting a decrease in p27 RNA expression in a sample of hyperplasia as compared to a normal prostate sample and further comprising determining and comparing the amount of p27 protein expressed in a hyperplasia sample and normal prostate sample. The closest prior art is that of Roberts et al (US Patent 6,316,208) which teaches and claims a method of evaluating a cancer patient's prognosis by determining the level of human p27 protein wherein a reduced level of p27 in the sample correlates with an increased risk for recurrence of a cancer. Roberts further teaches that the cancer can be prostate carcinoma. The claims are allowable over the prior art of Roberts because Roberts does not teach or fairly suggest determining a likelihood that a prostate hyperplasia is a benign prostate hyperplasia by detecting a decrease in p27 RNA expression in a sample of hyperplasia as compared to a normal prostate sample. Further, neither Roberts nor the art in general teach or suggest a correlation between expression of p27 RNA or protein in prostate carcinoma and benign prostate hyperplasia.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

Art Unit: 1634

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Jehanne Souaya whose telephone number is (703)308-6565. The examiner can normally be reached Monday-Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Jones, can be reached on (703) 308-1152. The fax phone number for this Group is (703) 305-3014.

Any inquiry of a general nature should be directed to the Group receptionist whose telephone number is (703) 308-0196.

*Jehanne Souaya*

Jehanne Souaya  
Patent examiner  
Art Unit 1634

7/22/02

*Lisa B. Arthur*  
LISA B. ARTHUR  
PRIMARY EXAMINER  
GROUP 1800

NOTICE OF DRAFTSPERSON'S  
PATENT DRAWING REVIEWThe drawing(s) filed (insert date) 6-10-99 are:A. ☐ approved by the Draftsperson under 37 CFR 1.84 or 1.152.B. ☒ objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. The Examiner will require submission of new, corrected drawings when necessary. Corrected drawing must be submitted according to the instructions on the back of this notice.1. DRAWINGS. 37 CFR 1.84(a): Acceptable categories of drawings:  
Black ink. Color.☐ Color drawings are not acceptable until petition is granted.

Fig(s) \_\_\_\_\_

☐ Pencil and non black ink not permitted. Fig(s) \_\_\_\_\_

## 2. PHOTOGRAPHS. 37 CFR 1.84(b)

☐ 1 full-tone set is required. Fig(s) \_\_\_\_\_☐ Photographs may not be mounted. 37 CFR 1.84(c)☐ Poor quality (half-tone). Fig(s) \_\_\_\_\_

## 3. TYPE OF PAPER. 37 CFR 1.84(c)

☐ Paper not flexible, strong, white, and durable.

Fig(s) \_\_\_\_\_

☐ Erasures, alterations, overwritings, interlineations,

folds, copy machine marks not accepted. Fig(s) \_\_\_\_\_

☐ Mylar, velum paper is not acceptable (too thin).

Fig(s) \_\_\_\_\_

## 4. SIZE OF PAPER. 37 CFR 1.84(f): Acceptable sizes:

☐ 21.0 cm by 29.7 cm (DIN size A4)☐ 21.6 cm by 27.9 cm (8 1/2 x 11 inches)☐ All drawing sheets not the same size.

Sheet(s) \_\_\_\_\_

☐ Drawings sheets not an acceptable size. Fig(s) \_\_\_\_\_

## 5. MARGINS. 37 CFR 1.84(g): Acceptable margins:

Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm

SIZE: A4 Size

Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm

SIZE: 8 1/2 x 11

Margins not acceptable. Fig(s) \_\_\_\_\_

Top (T) \_\_\_\_\_ Left (L) \_\_\_\_\_

Right (R) \_\_\_\_\_ Bottom (B) \_\_\_\_\_

## 6. VIEWS. 37 CFR 1.84(h)

REMINDER: Specification may require revision to correspond to drawing changes.

Partial views. 37 CFR 1.84(h)(2)

## 8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(i)

☐ Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned so that the top becomes the right side, except for graphs. Fig(s) \_\_\_\_\_

## 9. SCALE. 37 CFR 1.84(k)

☐ Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction.

Fig(s) \_\_\_\_\_

## 10. CHARACTER OF LINES, NUMBERS, &amp; LETTERS.

37 CFR 1.84(i)

☐ Lines, numbers & letters not uniformly thick and well defined, clean, durable, and black (poor line quality).

Fig(s) \_\_\_\_\_

## 11. SHADING. 37 CFR 1.84(m)

☐ Solid black areas pale. Fig(s) \_\_\_\_\_☐ Solid black shading not permitted. Fig(s) \_\_\_\_\_☐ Shade lines, pale, rough and blurred. Fig(s) \_\_\_\_\_

## 12. NUMBERS, LETTERS, &amp; REFERENCE CHARACTERS.

37 CFR 1.84(p)

☐ Numbers and reference characters not plain and legible. Fig(s) \_\_\_\_\_☐ Figure legends are poor. Fig(s) \_\_\_\_\_☐ Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(1)

Fig(s) \_\_\_\_\_

☐ English alphabet not used. 37 CFR 1.84(p)(2)

Figs \_\_\_\_\_

☐ Numbers, letters and reference characters must be at least .32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3)

Fig(s) \_\_\_\_\_

## 13. LEAD LINES. 37 CFR 1.84(q)

☐ Lead lines cross each other. Fig(s) \_\_\_\_\_☐ Lead lines missing. Fig(s) \_\_\_\_\_

## 14. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.84(t)

# Interview Summary

Application No.  
09/329,917

Applicant(s)  
Cordon-Cardo

Examiner  
Jehanne Souaya

Art Unit  
1634



participants (applicant, applicant's representative, PTO personnel):

Jehanne Souaya

(3) \_\_\_\_\_

Alan Morrison

(4) \_\_\_\_\_

te of Interview Jul 9, 2002

pe: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy is given to 1) ☐ applicant 2) ☐ applicant's representative]

hibit shown or demonstration conducted: d) ☐ Yes e) ☒ No. If yes, brief description:

aim(s) discussed: 6-8

entification of prior art discussed:  
ne

greement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

ubstance of Interview including description of the general nature of what was agreed to if an agreement was reached, or  
y other comments:

The examiner indicated that claims 2-3 were allowable and that the case would be in condition for allowance if  
in-elected claims 6-8 were cancelled. Applicant's attorney authorized the cancelation of claims 6-8 in an examiner's  
endment.

fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims  
allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is  
available, a summary thereof must be attached.)

i) ☒ It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST  
INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP section 713.04). If a reply to the last Office action has  
ready been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE  
SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached

*Jehanne Souaya*  
*7/9/02*

Examiner Note: You must sign this form unless it is  
Attachment to a signed Office action.

Examiner's signature, if required

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Carlos Cordon-Cardo, et al.  
Serial No. : 09/329,917 Examiner: J. Souaya  
Filed : June 10, 1999 Group Art Unit: 1634  
For : MARKERS FOR PROSTATE CANCER  
Date of Notice  
of Allowance : July 23, 2002 Confirmation No.: 8767

1185 Avenue of the Americas  
New York, New York 10036  
October 23, 2002

Assistant Commissioner for Patents  
Washington, D.C. 20231

ATTN: OFFICIAL DRAFTSPERSON

COMMUNICATION FORWARDING FORMAL DRAWINGS

This Communication is submitted in response to the Notice of Allowability dated July 23, 2002 which was issued by the U.S. Patent and Trademark Office in connection with the above-identified application. A response to the July 23, 2002 Notice of Allowability is due October 23, 2002. Accordingly, this Communication is being timely filed.

In the July 23, 2002 Notice, the Examiner required applicants to submit new formal drawings including the drawing corrections specified in the July 22, 2002 Notice of Draftsperson's Patent Drawing Review. The July 22, 2002 Drawing Review stated that applicant must submit Figure 6 as a Formal Drawing.

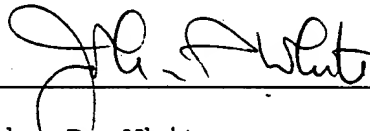
In response, applicants attach hereto as **Exhibit A** twelve (10) sheets of new, corrected formal drawings for Figures 1A - 10, including one set of photographs mounted on bristol board for Figures 1A - 1H, 2A - 2C, 4A - 4F, 5A- 5D, 8A, 8B, and 9A - 9D.

Carlos Cordon-Cardo, et al.  
Serial No.: 09/329,917  
Filed: June 10, 1999  
Page 2

Applicants note that the U.S. Patent and Trademark office waived 37 C.F.R. §1.84(b)(1) in a notice published in the August 4, 1998 Official Gazette. Therefore, a petition under 37 C.F.R. §1.84(b)(1) including three sets of photographs mounted on bryistol board and a petition fee of \$130.00 is no longer required for photographs to be accepted.

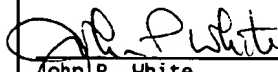
No fee is deemed necessary in connection with the filing of this Communication. However, if any fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,



John P. White  
Registration No. 28,678  
Attorney for Applicants  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, New York 10036  
(212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

 10/23/02  
John P. White Date  
Reg. No. 28,678

1/12

FIGURE 1C



FIGURE 1B



FIGURE 1A



FIGURE 1F

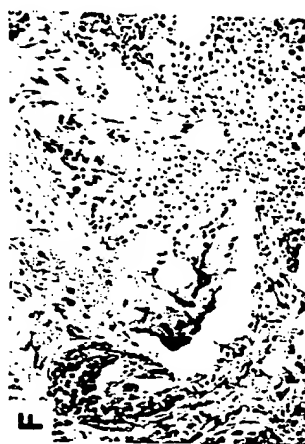


FIGURE 1E



FIGURE 1D



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FIGURE 1H



FIGURE 1G





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FIGURE 2B



FIGURE 2A

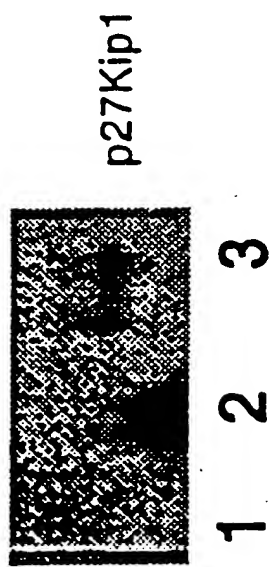
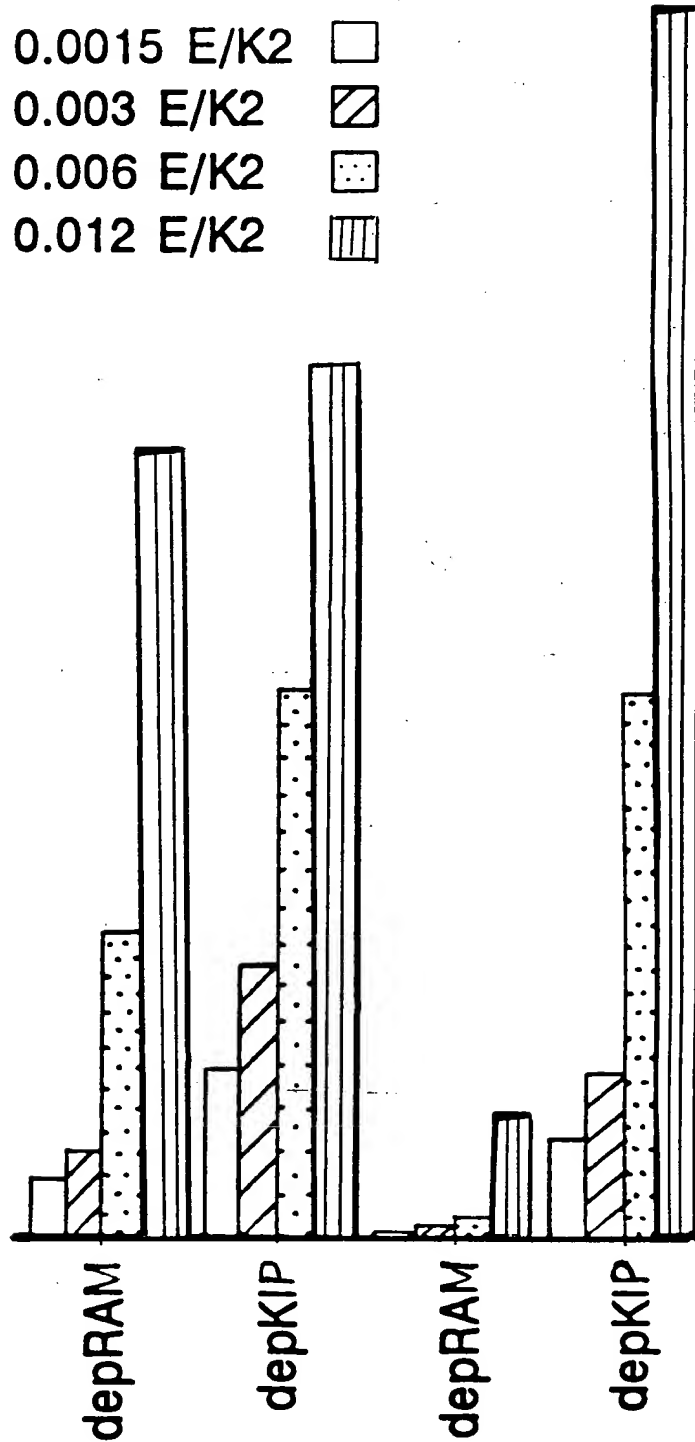


FIGURE 2C

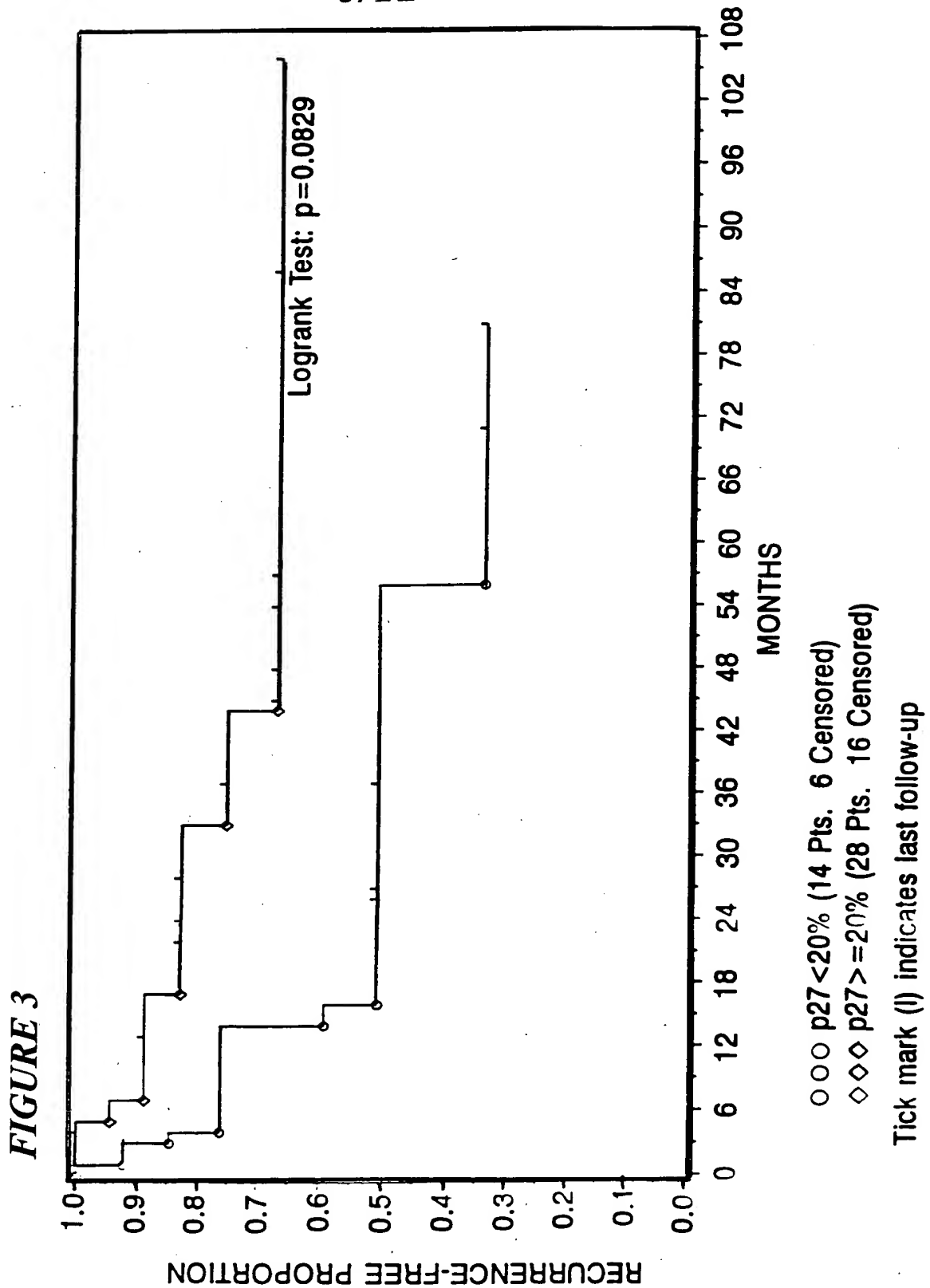


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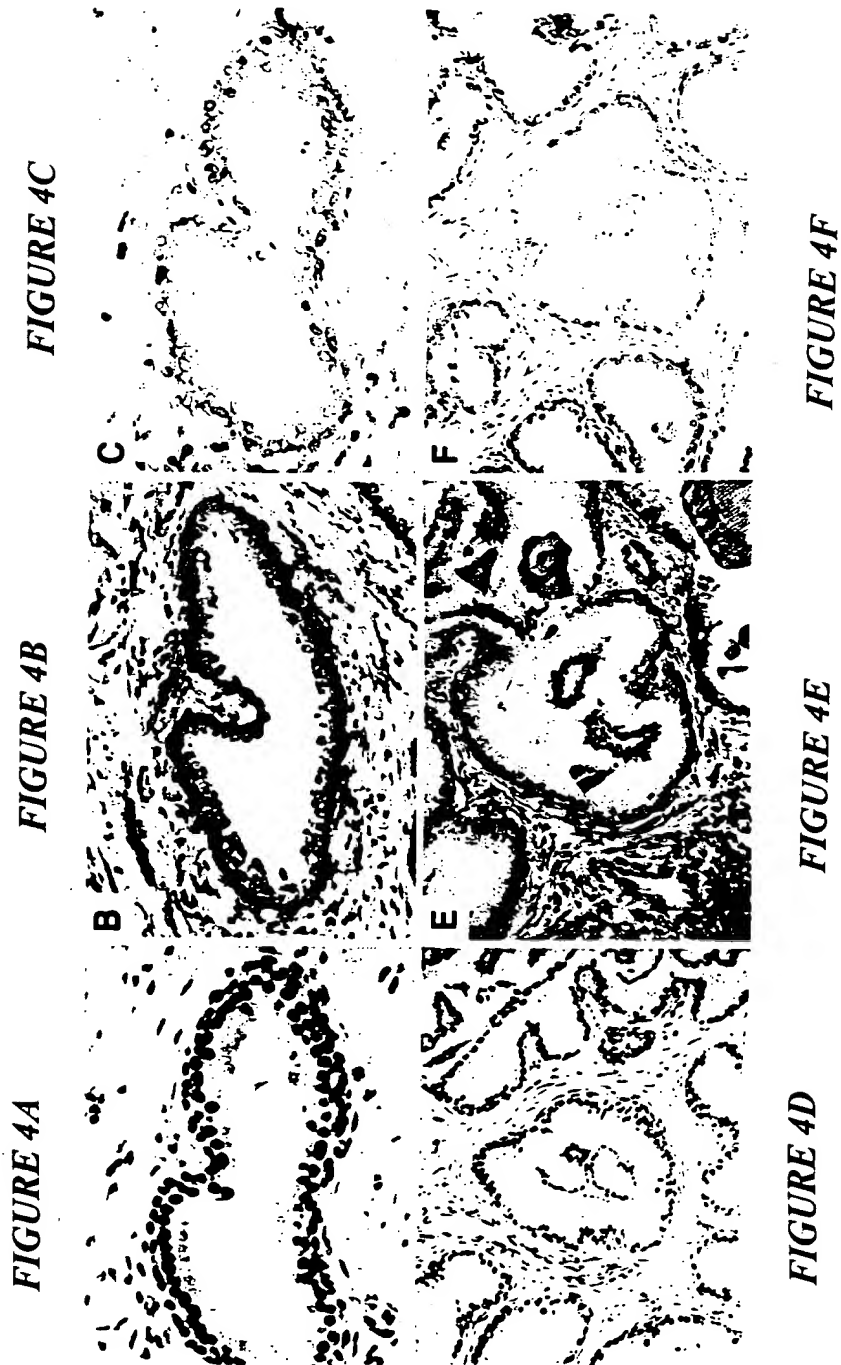
**FIGURE 2D**



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FIGURE 5B



FIGURE 5D



FIGURE 5A

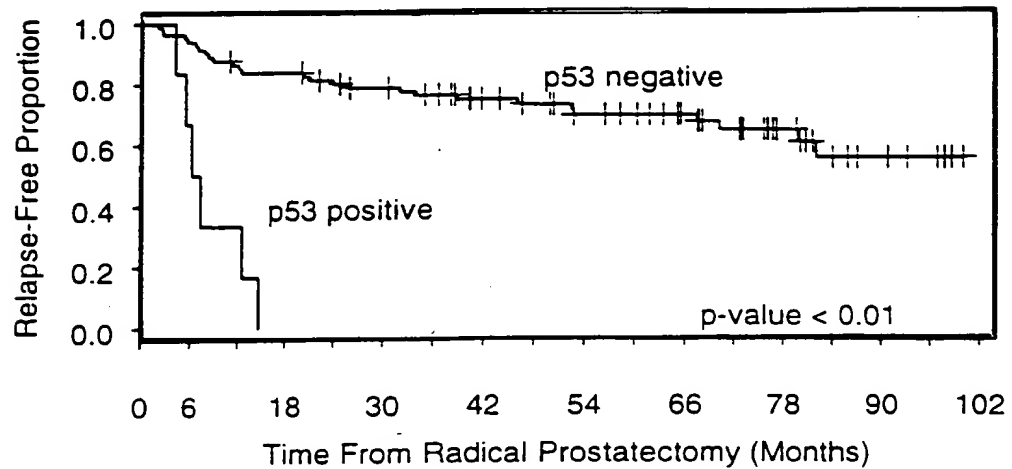


FIGURE 5C

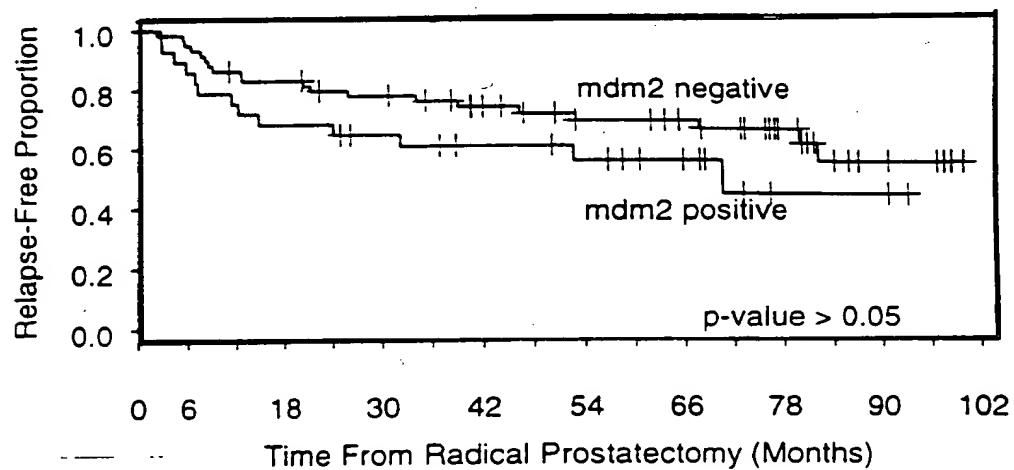


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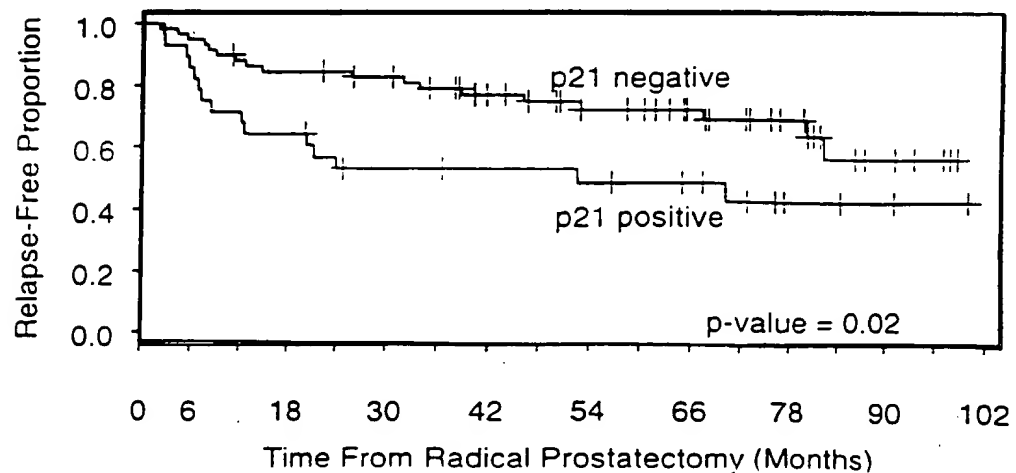
**FIGURE 6A**



**FIGURE 6B**



**FIGURE 6C**



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FIGURE 7A

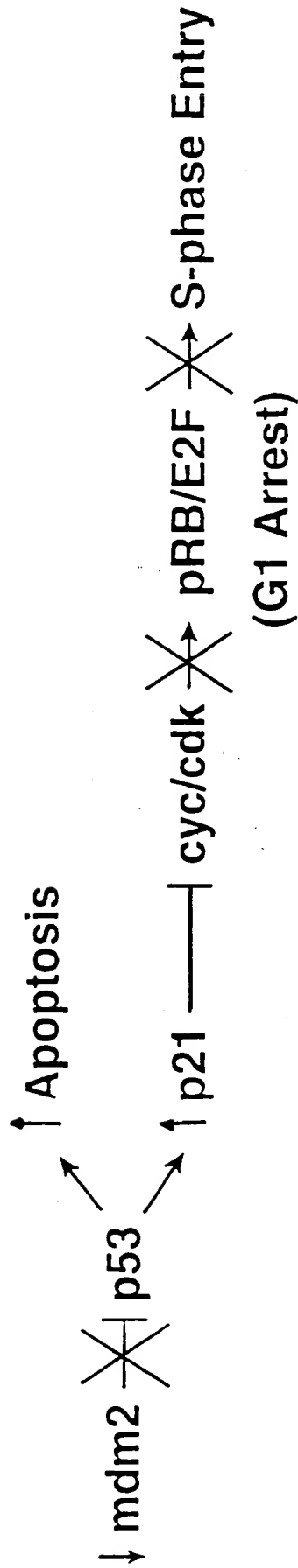
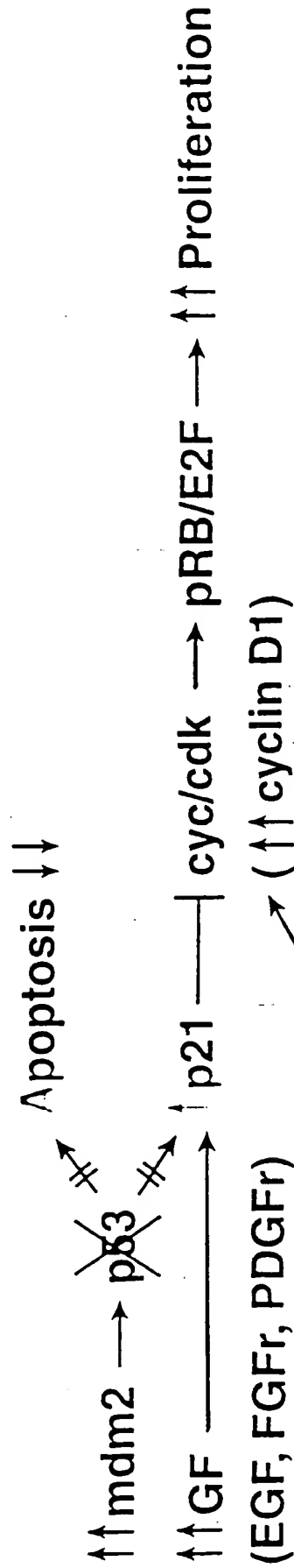


FIGURE 7B



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FIGURE 8B



FIGURE 8A





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FIGURE 9B



FIGURE 9D

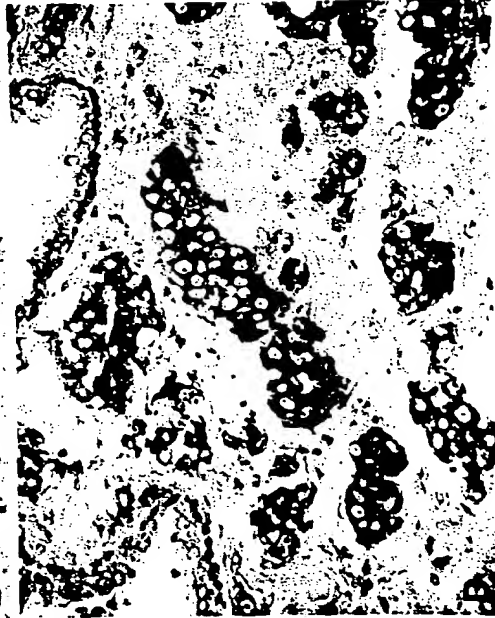


FIGURE 9A

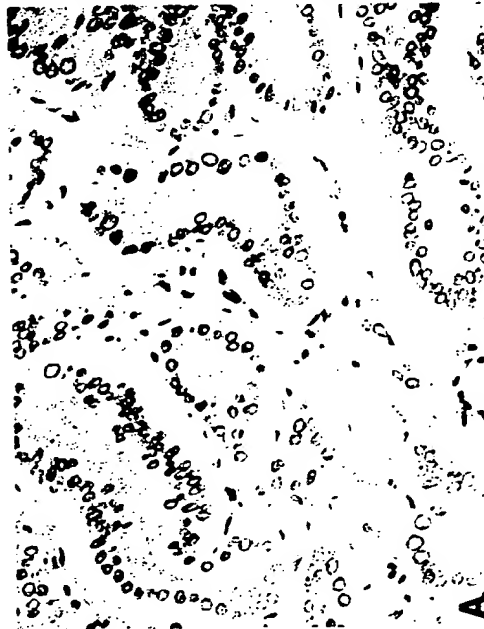
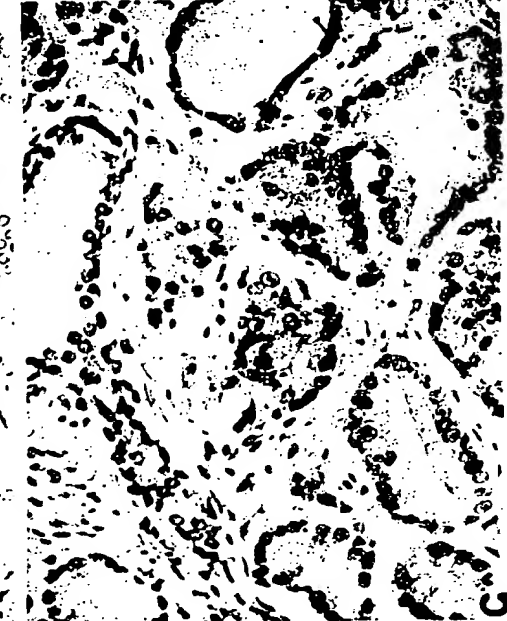
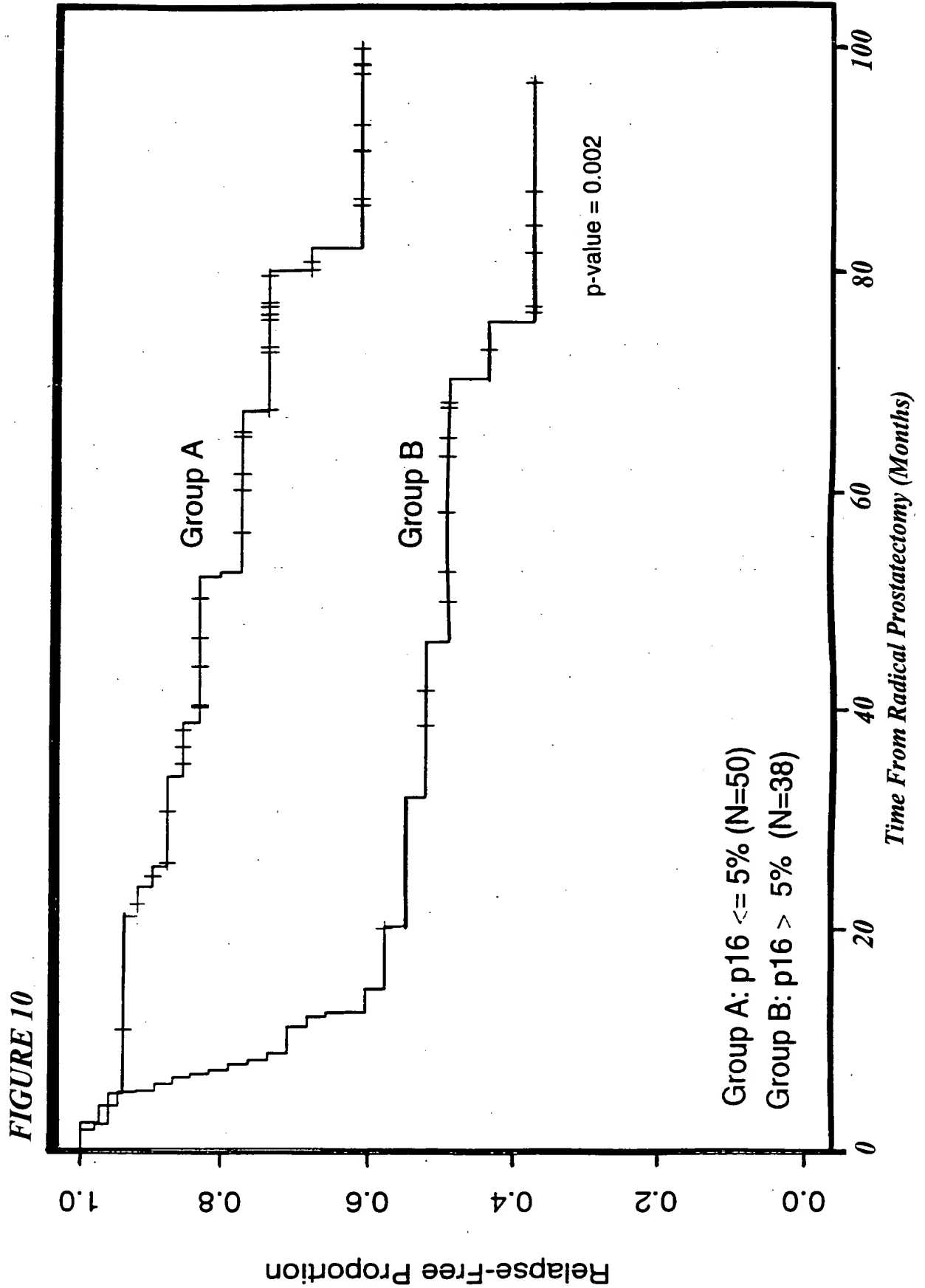


FIGURE 9C



12/12



Application No. 09/329,917  
Filing Date June 10, 1999  
Inventor(s) Carlos Cordon-Cardo  
et al.  
Group Art Unit 1634  
Examiner Name J. Souaya  
Attorney Docket No. 1747/55293-  
A/JPW/AJM/MVM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

February 28, 2003

COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Sir:

This is a Request for Continued Examination under 37 C.F.R. § 1.114 of the above-identified application.

1. ☐ Consider the unentered amendment/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_.
2. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_.
3. ☒ Enclosed is/are  
☐ Amendment/Reply.  
☐ Affidavit(s)/Declaration(s).  
☒ Information Disclosure Statement (IDS).  
☒ PTO-1449  
☒ Copy of IDS Citation  
☐ Other: \_\_\_\_\_
4. ☒ Small entity status under 37 C.F.R. § 1.27 is claimed.  
☐ A verified statement to establish small entity status is enclosed.  
☒ A verified statement to establish small entity status was previously filed and such status is still proper and desired.
5. ☒ A check in the amount of \$ 375.00 is enclosed.

6.   X   The Commissioner is hereby authorized to charge the following fees, or credit any overpayment, to Deposit Account No. 03-3125.

  X   RCE fee required under 37 C.F.R. § 1.17(e).

  X   Extension of time fee (37 C.F.R. §§ 1.136 and 1.17).

       Other fees \_\_\_\_\_.

7.   X   Three copies of this sheet are enclosed.

Respectfully submitted,



---

John P. White  
Registration No. 28,678  
Alan J. Morrison  
Registration No. 37,399  
Attorneys for Applicants  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, New York 10036  
(212) 278-0400